

**IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16140 of 2006

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Dated: February 09, 2007
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Between:

Tharun Bhascker Dhaassyam, aged: 17 years,
Represented by his father and natural guardian
Sri Vudhay Bhascker Dhaassyam, S/o. late
Sri D. Rangaiah, age: 52 years, Occ: Vaasthu
Consultant, R/o. 10-3-80, Flat No.401,
Shyam Vihar Apartments, Teachers' Colony,
Secunderabad - 500 026.

... Petitioner

And

The Council for Indian School Certificate Examination,
Pragati House, 3rd Floor, 47-48, Nehru Place,
New Delhi - 110 019, represented by its Chief
Executive & Secretary, and another.

... Respondents

Order:

This Writ Petition has been filed seeking
Mandamus to declare the action of the first respondent
in awarding less marks to the petitioner in 12th class
examination, than he expected as illegal and arbitrary
and a consequential direction to the respondents to

revise his marks.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioner appeared for 12th class examination, i.e. Indian School Certificate Examination, conducted by the first respondent, the Council for Indian School Certificate examination, in the year 2006 and passed the same. He had chosen four electives and English. The case of the petitioner is that he is a meritorious candidate and claims to have fared well in the said examination. However, when results were announced, he was found to have secured 50% marks in electives, i.e. 51 marks in Mathematics, 54 marks in Physics, 43 marks in Chemistry, 49 marks in Electricity & Electronics and 76 in English, which according to him, is far less than his expectation. Dissatisfied with the marks he secured in electives, i.e. the aforesaid four subjects, leaving apart English, he applied for recheck of his answer scripts to the first respondent on 23-05-2006 paying the prescribed fee. The first respondent, after rechecking the answer scripts of the petitioner, informed the second respondent that there is no change in the marks originally awarded to the petitioner after recheck, which in turn was communicated to the petitioner on 30-06-2006.

3. Learned counsel for the petitioner submits that while rechecking the answer scripts of the petitioner, respondents have not taken into account the correctness of the answers given by the petitioner to some questions.

4. First respondent has filed counter affidavit stating that, recheck of the answer scripts of the petitioner in electives was done as per his request, and no change was found in the original marks awarded to him in theory as well as practicals. It is stated that there is no provision for revaluing the answer scripts as per the regulations of the Council, which are applicable for conduct of examinations. With regard to the allegation of the petitioner that though he is a meritorious student and has fared well in the examinations, respondents have not properly valued his answer scripts, respondents have answered the same stating that petitioner was an average student and secured moderate marks in his ISC Class and XII 2006 examinations.

5. It is well settled that unless there is a provision for revaluation under the regulations framed by a University, the request of a candidate, who claims to have fared well in the examinations, to revalue his answer scripts, cannot be entertained. Except the petitioner's own assessment there is no other material to show that he was awarded less marks than he had expected. It is to be seen that expectation of students is not the criterion for awarding marks. It is for the examiners, who are experts in the field, to look into a particular answer and make their own assessment for awarding marks, having regard to the nature of question and the way in which the student answers it.

Respondents have rechecked the answer scripts of the petitioner as requested by him, whereby no change was found in the marks, which were previously awarded to him. In that view of the matter, no direction as sought for can be given.

6. The writ petition is devoid of merits and is accordingly dismissed without any order as to costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR